

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENDA N. RAMIREZ,

Plaintiff,

-against-

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

X 1:20-cv-09624(LGS)

By March 11, 2021, the parties shall file the administrative record under seal, pursuant to Individual Rule I.D.3, which provides that the proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion.

So Ordered.

X Dated: March 9, 2021

New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

JOINT MOTION TO SEAL THE ADMINISTRATIVE RECORD

Pursuant to Federal Rule of Civil Procedure 5.2, the Southern District of New York's Standing Order on Electronic Filing Under Seal, and the Court's Individual Rules of Practice 5.3, the parties Plaintiff Glenda N. Ramirez ("Ms. Ramirez" or "Plaintiff") and Defendant Hartford Life and Accident Insurance Company ("Hartford" or "Defendant") hereby jointly move to seal the Administrative Record in this ERISA matter.¹ In support, the Parties state as follows:

1. On February 9, 2021, the Court ordered Defendant to file a complete copy of the Administrative Record ("Record"). [Doc. 15].
2. Defendant is required to file the Record on or before March 11, 2021. [Doc. 19].
3. Hartford states that the Record contains extensive references to Plaintiff's personal information, including many references to her birth date, social security number, and home address. Hartford further states that Record is replete with Plaintiff's Protected Health Information ("PHI") subject to the provisions of the Health Insurance Portability and Accountability Act of

¹ The Parties understand pursuant to a call with the Court's Chambers that they are to first to file this Motion and await further direction before filing a copy of the sealed Administrative Record.

1996, codified primarily at 18, 26 & 42 U.S.C. (2003) (“HIPAA”), including confidential medical diagnosis and evaluations regarding her disability claims.

4. The Complaint alleges that Plaintiff furnished proof of medical disability over the course of seventeen years. (Doc. 11, ¶ 10).

5. Hartford states that the Record contains documents reflecting more than a decade of communications concerning Plaintiff’s medical diagnoses and medical records.

6. The Plaintiff asserts that she has a protectable privacy interest in her confidential medical records and personal information, justifying the filing under seal of the Records.

7. Courts regularly file such administrative records in ERISA cases under seal. *See e.g., Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or. Apr. 17, 2018) (ordering Administrative Record sealed where “[a] significant amount of medical and personal information is contained in these documents, and is likely to be contained within the full administrative record It is not a useful expenditure of counsel’s time to separate and redact the approximately 1,800 pages of the administrative record that contains medical and sensitive personal information.”); *Sullivan v. Prudential Ins. Co. of Am.*, No. 2:12-CV-01173-GEB, 2012 WL 3763904, at *1 (E.D. Cal. Aug. 29, 2012) (sealing Administrative Record in an ERISA case); *Shahgholi v. Aetna Inc. Long Term Disability Benefits Plan*, No. 17 CIV. 963 (PAE), 2018 WL 4177934, at *8 (S.D.N.Y. Aug. 30, 2018) (“On December 12, 2017, with leave of the Court, the parties filed the administrative record under seal.”).

8. If the Court wishes, Hartford will provide a copy of the Administrative Record for *in camera* review.

WHEREFORE, the Parties jointly move for the Court to grant permission that Hartford be permitted to file the Record under seal.

Dated: March 8, 2021

Respectfully submitted,

PLAINTIFF

GLENDY RAMIREZ

/s/ Christopher P. Foley/MPM

Christopher P. Foley
Law Offices of Christopher P. Foley
The Katonah Professional Building
51 Bedford Road
Katonah, New York 10536
Email: cfoley@foleyllc.com
Telephone: (914) 301-5925

DEFENDANT

HARTFORD LIFE AND
ACCIDENT INSURANCE
COMPANY

/s/ Matthew P. Mazzola

Matthew P. Mazzola
Robinson & Cole LLP
Chrysler East Building
666 Third Avenue, 20th Floor
New York, New York 10017
Email: mmazzola@rc.com
Telephone: (212) 451-2900

APPENDIX

All Attorneys of Record should have access to the sealed documents, including:

- Attorney Christopher Foley
- Attorney Matthew Mazzola